

**MARYANNE ROY,**

**PLAINTIFF**

**v.**

**WAL-MART STORES EAST LP,**

**DEFENDANT**

CIVIL No. 10-182-P-H

The defendant's motion for summary judgment is **GRANTED**. Because the plaintiff has not responded to the motion, I take the defendant's Statement of Material Facts as admitted. Local Rule 56(f); Fed. R. Civ. P. 56(e)(2). Based on those facts, the plaintiff is unable to show that defendant Wal-Mart caused water drops to be on the floor, knew that they were on the floor, should have known (constructive notice) they were on the floor, or was aware of the risk. See Budzko v. One City Ctr. Assocs., 767 A.2d 310, 314 (ME 2001). Thus, the plaintiff has no evidence that Wal-Mart failed to exercise reasonable care to prevent her fall.

**DATED THIS 8TH DAY OF FEBRUARY, 2011**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET NO. 2:10cv182 (DBH)**

**Maryanne Roy,**

**Plaintiff**

Represented By **Michael J. Welch**

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**v.**

**Wal-Mart Stores East LP,**

**Defendant**

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